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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09/964,000
Filing Date	09/26/2001
First Named Inventor	Guess, William Y
Art Unit	1761
Examiner Name	Becker, Drew
Attorney Docket Number	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	William Y. Guess		
Date	01/31/2007	Reg. No.	

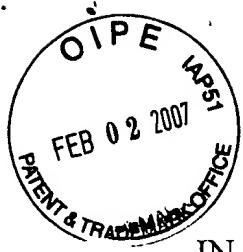
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	William Y. Guess	Date	01/31/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/964,000 Confirmation No. 3019
Applicant : William Y. Guess
Filed : 09/26/2001
TC/A.U. : 1761
Examiner : Becker, Drew

Director of Patents

Mail Stop Petition

P.O. Box 1450

Alexandria, Va 22313-1450

Petition to withdraw improper Notice of Abandonment

Petition To Make Special relative to MPEP 707.02

Petitioner does not believe that fees should be charged for this petition, however if any fees are required, the office should contact the petitioner at wyg@cox.net or by phone at 225-924-5460 which is petitioner's work phone number.

A petition was filed relative to this case on May 30, 2006. Now over eight months later nothing has happened to advance this case. The instant application has now been pending for over 5 years, which triggers MPEP 707.02.

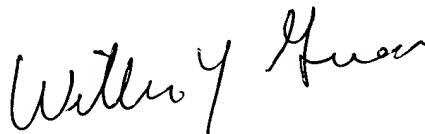
Petitioner has rights under the U.S. Constitution and the Patent Act. And specifically under Title 35 Section 134, petitioner has a right to appeal an adverse position to that of the examiner. This appeal may not be derailed by the examiner, the SPE¹ nor the SPRE without cause. The attempt by the examiner, and apparently the SPE, to cause the abandonment of petitioner's case is legally improper. The examiner filed the inaccurate response to petitioner's letter of 10/18/2005 almost 7 months later than the improper notice of defective appeal brief. In complete frustration and with the intent of proceeding with the appeal, petitioner filed an amended, though legally superfluous, brief; this resulted in the improper notice of abandonment. And insofar as this delay has been caused entirely by procedural impropriety, this abandonment notice is fatally flawed. Petitioner believes that the Office of Petitions has authority in this matter.

Petitioner has received patents toward his Coaxially Combined Roast in The United Kingdom (GB2387100) and France (FR2835704) with an application pending in Canada (due to their optionally delayed examining system, this case has yet to be examined but will be in due time). Petitioner is at a loss to

See under "Search information, etc" of IWF dated 5/19/2006 of 09/964,000

understand the seemingly artificial barriers put forth by certain representatives of the USPTO relative to this case. Petitioner is grateful to the Office of Petitions for advancing this issue to the SPRE as of the last petition; however, the case appears stalled for unknown reasons. Petitioner believes and requests that the Office resolve this issue. Assistance is earnestly and urgently requested. Any unreasonable delay following this petition will result in a civil action by the applicant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Y. Guess". The signature is written in a cursive, flowing style.

William Y. Guess

January 31, 2007